

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CIAE-00 COME-00 DODE-00 DOTE-00

FMC-01 INR-07 NSAE-00 SAL-01 CG-00 DLOS-06 OES-06 L-03

PA-01 USIA-06 PRS-01 SP-02 H-02 SS-15 NSC-05 FAA-00

CAB-02 /078 W

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R 281434Z SEP 76

FM AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: EAIR, ELTN, EWWT, CA

SUBJ: POSSIBLE GOC RESTRICTIONS ON U.S. OWNERSHIP AND CONTROL
IN CANADIAN TRANSPORT (LAND, SEA AND AIR)

REF: OTTAWA A-45, JANUARY 23, 1976

1. A. KENNETH MACLAREN, EXECUTIVE DIRECTOR OF CANADIAN TRUCKING ASSOCIATION, HAS GIVEN TCO COPY OF MINISTRY OF TRANSPORT PAPER ENTITLED "POLICY LEGISLATION PROPOSALS" RECENTLY CIRCULATED TO INDUSTRIAL GROUPS FOR COMMENT AS GOC PREPARES LEGISLATION TO IMPLEMENT 1975 NATIONAL TRANSPORTATION POLICY STATEMENT (OTTAWA A-523, AUG 8, 1975). DOCUMENT DEALS WITH RAILWAY FREIGHT RATES, MINISTRY OF TRANSPORT/CANADIAN TRANSPORT COMMISSION RELATIONSHIPS, AND THE REVISION OF THE POLICY STATEMENT ON TRANSPORT PRESENTLY CONTAINED IN SECTION 3 OF THE NATIONAL TRANSPORT ACT OF 1967.

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2. FULL TEXT OF DOCUMENT WILL BE FORWARDED BY
AIRGRAM BUT EMBASSY WISHES TO CALL SPECIAL ATTENTION

TO INCLUSION OF LANGUAGE IN DRAFT REVISION OF NTA
POLICY STATEMENT RELATING TO DESIRABILITY OF CANADIAN
CONTROL OF PRIVATELY OWNED TRANSPORT CARRIERS. AMONG
THE " PROPOSED PRINCIPLES APPLICABLE TO IMPLEMENTATION
OF THE OBJECTIVE IF THE TRANSPORTATION POLICY" IS
CONTAINED THE FOLLOWING:

"E) IN THE PROVISION OF TRANSPORTATION SERVICES THERE
SHOULD BE:

(I) OPPORTUNITY FOR BOTH PUBLIC OWNERSHIP AND PRIVATE
OWNERSHIP OF CARRIERS WITH CANADIAN CONTROL OF PRIVATELY
OWNED CARRIERS BEING AN OBJECTIVE, AND

(II) NATIONAL, REGIONAL AND LOCAL CARRIERS, AND ANY
CONFLICT BETWEEN PUBLIC AND PRIVATE OBJECTIVES SHOULD
BE RESOLVED IN FAVOUR OF THE PUBLIC INTEREST AND THE
INTEREST OF A TOTAL NATIONAL SERVICE."

3. MACLAREN INDICATED HIS ASSOCIATION WILL OPPOSE THIS
STATEMENT VIGOROUSLY AND HE EXPECTS MARITIME INTERESTS
(DOMINION MARINE ASSOCIATION) TO DO THE SAME. HE IS
PARTICULARLY WORRIED THAT ADOPTION OF THIS BROAD
LANGUAGE IN A LEGISLATIVELY ENACTED POLICY STATEMENT
WILL GIVE WIDE RANGE OF AUTHORITY TO GOVERNMENT TO
IMPLEMENT IT THROUGH ORDERS-IN-COUNCIL, MOT POLICY
DIRECTIVES TO CTC, AND CTC DECISIONS AS WELL AS
FIRA RECOMMENDATIONS IN PARTICULAR CASES BEFORE THEM.

4. COMMENT: EMBASSY SHARES MACLAREN'S CONCERNS
AND RECALLS THAT LEGISLATIVE BASE FOR CANADIAN RADIO-
TELEVISION AND TELECOMMUNICATIONS COMMISSION'S ACTIONS
INVOLVING DELETION OF COMMERCIALS FROM U.S. BORDER
TELEVISION STATIONS IS IN A SIMILAR LEGISLATIVE STATEMENT
OF POLICY OBJECTIVES CONTAINED IN 1968 BROADCASTING ACT.

5. RECOMMENDATION: EMBASSY RENEWS IS JANUARY
RECOMMENDATION THAT USG FORMALLY SEEK CLARIFICATION
FROM GOC OF THE LANGUAGE IN THE 1975 POLICY STATEMENT
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RESPECTING CANADIAN CONTROL. SUCH AS REQUEST COMPLEMENTING
REPRESENTATIONS BY AFFECTED INDUSTRY GROUPS MAY PRECLUDE
SUCH LANGUAGE APPEARING IN GOVERNMENT DRAFT
BILL WHEN PUBLISHED AND FROM WHICH GOC MIGHT FIND IT
DIFFICULT TO BACK OFF. IF WE CAN KILL THIS KIND OF
LANGUAGE NOW WE WILL OBVIATE PROBLEMS WHICH MAY ARISE
A FEW YEARS HENCE AS "MOTHERHOOD" STATEMENT SUCH AS
WHAT IS PROPOSED ARE TRANSLATED INTO CASE SITUATIONS
INVOLVING ADVERSELY AFFECTED U.S. FIRMS. EVEN THOUGH
IT IS UNLIKELY THAT SPECIFIC LEGISLATION WILL BE

INTRODUCED IMMEDIATELY UPON THE RECONVENING OF
PARLIAMENT ON OCTOBER 12, IT IS DESIRABLE THAN ANY
USG REQUEST FOR CLARIFICATION OF THE LANGUAGE BE
MADE PROMPTLY LEST THE PROCESS OF LEGISLATIVE
PREPARATION MOVE MORE RAPIDLY THAN WE ANTICIPATE.
ENDERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TRANSPORTATION, POLICIES, BRIEFING MATERIALS, FOREIGN INVESTMENTS, BUSINESS FIRMS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976OTTAWA03890
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760366-0280
From: OTTAWA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760912/aaaaajzs.tel
Line Count: 121
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 76 OTTAWA A-45
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 13 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <13 APR 2004 by greeneet>; APPROVED <14 APR 2004 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: POSSIBLE GOC RESTRICTIONS ON U.S. OWNERSHIP AND CONTROL IN CANADIAN TRANSPORT (LAND, SEA AND AIR)
TAGS: EAIR, ELTN, EWWT, CA, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006